THE CAPITOL REMOVAL BILL

ARGUMENT OF ROBERT C. ALSTON BEFORE LEGISLATIVE COMMITTEE JUNE 8, 1919

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Mr. Chairman, and Gentlemen of the Committee:

ISSUE IS ALREADY SETTLED.

The excuse which Macon claims for presenting this issue is that the question of the location of the Capitol be settled. This issue has been settled as completely as it would be if a **new vote** of the people were taken. If what has been done does not settle it, the submission of it again to the people would not settle it.

On the first Wednesday in December, 1877, the people of Georgia voted on this question, and out of the total vote of 154,348, Atlanta received a majority of 43,946 votes. Eighty-two counties voted for her, nineteen of which were South of Macon.

After the Capitol had been in the City of Atlanta for about forty-three years, and the City had become accustomed to it in its daily life, Macon raised the issue and submitted it to the Legislators of the State, who are the representatives of the people, and, after great advertising, they received less than the vote required to pass an ordinary bill in the House of Representatives; with the result that her effort to move was adjudicated against her. It was as complete a settlement of the issue as though it had been submitted to the people and the people had rejected it, for the law has made a method for settling the question, the first process of which is that it should receive, in the two Houses of the Legislature, the vote of two-thirds of the members elected to each of those Houses. So the question is as settled by that which has been done as it would be settled by what it is proposed to do. The question has been before this State long enough. It was first brought up in 1911. The adjudication against it is too complete. The reason for this continued agitation lies somewhere else.

THE LOCATION IN ATLANTA IS AS PERMANENT AS THE DONATION.

In 1877, when this question was before the Constitutional Convention, the City of Atlanta made an offer to the State, on July 19th, which was the eighth day of the Convention. It is as follows:

> "If Atlanta is selected by the Convention as the **permanent** Capital of this State, and if such selection is submitted and the same is ratified by the people, the City of Atlanta will convey to the State of Georgia any ten acres of land in or near the City of Atlanta now unoccupied, or the square in the heart of said City known as the City Hall lot, containing five (5) acres of land, and bounded by a street on every side, on which to locate and build a Capitol for the State.
>
> The City of Atlanta will build for the State of Georgia, on the location selected, a Capitol building as good as the old Capitol building in Milledgeville."

(See Small's Debates, p. 52.)

You will note that the proposition was that the City of Atlanta was to be selected as the **permanent** Capital.

During the campaign this offer was renewed by the City Council.

After the election in December, 1877, the Legislature of the State adopted a resolution in 1879, accepting Atlanta's proposition, and it was then resolved:

> "That the State of Georgia does hereby accept from the said Mayor and Council, the said City Hall Lot and the said Mayor and Council are hereby authorized and required to convey the same to the State of Georgia **in accordance with their proposal."**

It was also resolved that the State would accept from the City of Atlanta a money payment in lieu of Atlanta's

offer to erect a building as good as the old Capitol at Milledgeville. Atlanta paid to the State the sum fixed by it on this account. Thereupon, and on the first day of November, 1880, the City of Atlanta conveyed to the State of Georgia, "In accordance with their proposal", the property on which the Capitol building is now situated, and the same was conveyed "in accordance with said tender and acceptance".

It is contended that the Capitol is not **permanently** located in Atlanta, and it is proposed by the bill which is now before you to sell the Capitol building and the Governor's Mansion and the ground upon which each is situated, and to take the proceeds thereof and erect another Capitol and another Governor's Mansion in the City of Macon.

I put it to you that, whether the Capitol was or was not permanently located in Atlanta, the location was as permanent as the gift, and the gift as permanent as the location. As to this there ought to be no dissent. Atlanta made the donation, which was accepted by the State, because the Capitol was **permanently** located in its borders; and, waiving all technical questions, you cannot, in any degree of fairness, declare that the location was not permanent but that the donation was.

Many Legislative matters are, in their final analysis, judged by the human conscience. I submit it to any man of conscience that this bill, as drawn, violates the fundamental dictates of righteousness, for it proposes to take to Macon that which Atlanta conveyed, on condition that the location of the Capitol be permanent.

This is no contention that the State has so contracted that it cannot remove the Capitol; but it is an assertion that, if the Capitol is not permanent, the donation is not; the permanency of the location was the consideration for the conveyance.

SHALL GEORGIA OR ALABAMA HAVE THE GREATEST CITY IN THE SOUTHEAST.

The next year is the census year. The issue is going to be whether Georgia or Alabama shall have the chief city of the Southeast. Birmingham, with its marvelous congregation of mineral resources, grows by leaps and bounds, and challenges the supremacy of this State as to which shall lead. Alabama is united in putting her forward. To whom does the State of Georgia look in this competitive contest? Macon, by the last census, had less than one-fourth of the population of Birmingham; Atlanta was scarcely 20,000 ahead of her. It is impossible for Macon to serve the State in that competition.

REMOVAL OF CAPITOL WILL INJURE THE STATE.

It is known from one end of the land to the other as the Capital City of Georgia. If it is removed, some reason for its removal must be assigned to the world. What can that reason be? Its location is healthful; the City is prosperous; its people are contented; the City is performing its duty to the State and to the Nation; it is the center of the railroad crossings between the Northeast and Southwest, the Northwest and Southeast; it is the leading City in the Southeast. No reason can be assigned for the removal of the Capitol which would not likewise be a reason for detracting from it as a commercial center. No good reason can be assigned for the removal of the Capitol which is not likewise an argument for removing every headquarters organization within its borders; and to remove them from Atlanta is to remove them from the State of Georgia. It is impossible that those who have the welfare of Georgia at heart will, upon final test, injure this City, for, in striking her, he strikes the State.

THE PROPOSED ACTION OFFENDS THE CONSTITUTION.

I submit to you that you cannot adopt this bill without yourselves setting aside the Constitution of the State of Georgia. It is provided by the Constitution (Code Section 6570) as follows:

> "The proceeds of the sale of (certain railroads) * * * * * * any other property owned by the State, whenever the General Assembly may authorize the sale of the whole or any part thereof, shall be applied to the payment of the bonded debt of the State, and shall not be used for any other purpose whatsoever, so long as the State has any existing bonded debt."

That Article of the Constitution is headed as follows:

"PUBLIC PROPERTY PLEDGED FOR STATE DEBT."

It is held by the Supreme Court of this State that even a temporary application of the proceeds of public property to uses other than the payment of the bonded debt of the State, is illegal (113 Ga. 647). The answer made to this is that it is a Constitutional provision and can be changed by a Constitutional amendment. I believe no more fallacious argument could be presented. It is just as though I had made a note to you, with the condition that the proceeds of the sale of any of my property shall be used to pay the same, and afterwards I sold my property without your consent, and did not pay your debt. Is there anyone who would defend me against this faithlessness?

Georgia cannot act alone in such a matter, she must consult those who own her debt which is protected by her own guarantees. The State of Georgia can no more by her act relieve herself of this bargain than I can relieve myself of the obligation to which I have referred. This provision was put into the Constitution not only for the purpose of making security to the people who hold the State's in-

debtedness, but as well to make it sure that the State would not be extravagant in its expenditures, and that the people of this State should be free from an indebtedness long existing, to the end that her resources might be at hand for supreme crises.

What are those crises? The Constitution itself fixes them.

> "No debt shall be contracted by or on behalf of the State except * * * * * * to repel invasion, to suppress insurrection, and to defend the State in time of war, or to pay the existing public debt."

I believe there are no more solemn words in any instrument than those to be found in this Section of our Constitution—"To repel invasion; to suppress insurrection; to defend the State in time of war". That those times were likely to come in a State's life were known to the men who wrote that law, because we were then just on the edges of the Reconstruction; the marks of an invading army were everywhere; the people were already impoverished because of it; and they knew that these events come in recurrence in the life of a State.

Who can know that we are not now at one of these crises? The world is in turmoil; the relations of all life are being changed; the nation is entering into internationalism; a large part of our population has been under arms; a war threatens our borders; new ideas of life have come. Is there a feeling of safety that there will be no such crisis as is mentioned by our Constitution? Is any man who hears me prepared to set aside those words of the men who were schooled in the Civil War and the Reconstruction period, and say that they are no longer needed? Those are the only things for which the debt of the State may be increased. Yet it is utterly impossible to carry out the project of this bill without greatly increasing the indebtedness of the State.

It is utterly impossible to tear down this Capitol and relocate it somewhere else out of the funds which will be realized from the sale of the present Capitol building and the grounds, and the Governor's Mansion. It is perfectly well known that the cost of all building matters has increased almost beyond estimation, and that what cost, thirty-nine years ago, one million dollars, would cost three to five million now. The authors of this bill are mindful of this fact, and have made covert provision for it in that the General Assembly of the State is required, in the event the Capitol is removed to make provision by law for the removal of the Capitol of the State from the City of Atlanta to the City of Macon, and for the necessary buildings and quarters for the carrying on of the business and government of the State.

Those provisions will empower the State to levy upon the people of Georgia increasing taxes to meet the artificial condition created by this unnecessary expenditure of the State's money, and upsetting of its affairs.

The proposal to finance this removal plan involves the following things:

(A) Selling the property which Atlanta gave the State on the condition that the Capitol should be permanently located here; and, notwithstanding the destruction of the permanency of the location of the Capitol, to take the proceeds of that property and plant them in the City of Macon.

(B) The raising of a million of dollars in bonds by the County of Bibb, which have not yet been voted.

(C) The conveyance by the City of Macon of Tattnall Square or other property equally suitable.

(D) The raising of a large additional amount by taxation of the people.

These things break faith, first with Atlanta, who gave the Capitol site and money equal to the value of the Mil-

ledgeville Capitol for the purpose of having the Capitol permanently located in Atlanta. It then proposes to break faith with the holders of the bonds of the State, to whom it has been represented in the Constitution that the proceeds of the sale of the State's property will be used only for the payment of the State's indebtedness. The proposition then imposes an untold amount of taxes on the people, for a wholly unnecessary object.

I submit to you that nothing but a great crisis would justify these things. You know, and I know that there is no such crisis. On the other hand, we all know that this menaces the State's credit and the State's property, which may yet be called to meet some of the crises anticipated by the Constitution.

The Capitol building is a specialty. It cannot be sold for anything like its cost, for, if the Capitol is removed, the use for which the building was created will have ceased. The value thereof will be destroyed without benefiting a single person in all the world, and without uplifting anything or anybody, but the act will stand as a destruction of the State's property to no purpose whatsoever.

This is likewise true of the Governor's Mansion and the land on which it is located, for, if you shock the business world by removing the Capitol, it immediately reduces the value of the land itself.

THE STATE NEEDS ITS RESOURCES FOR NECESSARY PURPOSES.

Is the State of Georgia in any condition to withstand this financial loss, and the increased taxes?

For 1918 this State has a deficit of about $400,000.00. The appropriations for the current year exceed the income by more than $500,000.00. Should the tax digest of this year show an increased value of $85,000,000.00, the deficit

will still be $425,000.00. And, notwithstanding this deficit, the public schools of this State are properly demanding more and more of money. The budget which is proposed carries with it one-half million dollars more for these schools, and its advocates contend for another half million dollars; but it is conceded that they will receive a half million dollars more, so that the deficit which stares this State in the face for 1920 is not $425,000.00, but it is practically a million dollars; and, when you have gotten four millions of dollars given for the State schools, there will still be need for more money for those schools, for who, in all Georgia, is satisfied with their condition? Who thinks that the 8,500 school houses in this State are not, for the most part, eye-sores and evidences of our parsimony? Who feels that a child educated in the average school house in Georgia is equipped to meet the average demands of the world? Who is contented with the salaries paid to the more than 15,000 school teachers throughout the State? Who is contented with its average school year of 130 days, such as exists now? And this average takes into consideration the maximum school year of nine months to be found in the cities, and shows you how extremely short is the minimum school year to be found in the country. Who does not know that this inequality of educational privileges is the chief thing which is stripping the country and over-crowding the cities? What man of intelligence dare increase that condition.

This State makes appropriation for the people who are insane. Everybody knows that the cost of living has multiplied many times. There are over four thousand patients under daily treatment in the State Institution, and yet we read from the report of the Superintendent that, because of the over-crowded condition, there is not room to accommodate all who have made application, and many have been turned away. In the 1916 report of that same officer, we read that one small room, meant to accommodate one female patient, is made to suffice for two and sometimes three.

There were then 303 more white female patients than the normal capacity of the building provided for them. There were then 675 patients in that Institution in excess of the provision made for them. That condition has been somewhat relieved since then as to negroes, but not as to white people. There are no means of separating the criminal insane from the patients who are not criminals. The insane murderer is put side by side with the patient who has done no harm and committed no crime. Who approves of that? Who would continue that condition?

We have 15,000 ex-Confederate soldiers and widows on our pension list, and they received from the State of Georgia, during a period of twelve months, about enough to eke out an existence for two months. Atlanta opens her heart and her purse to the Confederate Soldiers who stood with Stonewall Jackson or fought with Robert E. Lee.

How can you remedy these conditions? Certainly not by diverting the income and the credit power of this State to unnecessary things. Certainly you cannot do it by dividing a people. Certainly you cannot do it by creating business unrest.

THE STATE'S CURRENT INDEBTEDNESS.

The State of Georgia has borrowed and will borrow in the open market in the current year about $500,000.00. But that is not all. In order to pay the school teachers, it has borrowed $1,800,000.00, and must increase that sum to at least $2,200,000.00 before the year is out. The notes are coming due without the ability of the State to pay a single dollar on them except by re-borrowing. The method under which this has been done puts the burden of paying the interest on this State indebtedness on the school teachers, whose wages are so small that they cannot be properly spoken of as compensation for intellectual labor, and attract only the patriotic and the idealist.

NEED OF MORE HIGHWAYS.

This State is losing year by year the money which Congress is ready to appropriate for it because it has no adequate road system. The multiplication of the automobiles, the need of quicker communication, the increasing sharpness in competition, make it absolutely necessary that this State turn its attention to the matter of bettering its roads. There should be a system of highways consisting of trunk and lateral roads reaching all parts of the State. Our forefathers foresaw the railroad situation, and met the needs of that day with a wisdom which will challenge the admiration of all times. Another hour strikes in Georgia, and it is for the highway system.

We are first to impair Georgia's credit by saying that those provisions in her Constitution do not mean what they say as to the protection of her public debt. We are next to increase her public debt. We are next to divide her people. We are next to increase her taxes. To what end? To the end that the Capitol be moved from Atlanta to Macon, to the benefit of no one and to the injury of every one.

GIRLS' SCHOOLS.

There are girls' schools at Valdosta, Milledgeville and Athens. How essential those schools are to the welfare of this State! Much in need they are of dormitory room, in order that the daughters of this State, who are to be the mothers of the coming generation, should have a fair education; they do not demand a superlative training at the hands of this State; it is just a fair education that they may meet the increasing competition of the time and be prepared for the New World that is opening to them; and you will either build them up or tear them down to the degradation of the State.

AGRICULTURAL SCHOOLS.

There are eleven agricultural schools in this State. A twelfth one needs to be created. None of them are yet complete. None of them yet have money enough to do their work as well as they desire. And yet, this is an agricultural State, needing more the application of advanced agricultural science than ever before in its history, in order that it may meet the necessary diversification of crops; to meet the new world marketing conditions; to know how to preserve land, and to cultivate intensively; and still, scarcely one of those schools maintains any fair provision for the education of women.

How importunate must be the demands of those who require the removal of the Capitol! The public schools must be impoverished; the State's faith must be impaired; the contract with the City of Atlanta must be declared to be one-sided; the gift permanent, but the Capitol not permanent; an enormous deficit in the State's revenue must go unheeded; the pensioners of the State provided for in a manner unworthy of a prosperous commonwealth; the school teachers must be paid at a niggardly wage; the girls' schools must remain stunted for the lack of funds; the agricultural schools must be left without sufficient funds; the condition in the asylum must remain such that those who need attention can no longer be received even into crowded wards; they must be turned away. The criminal and the innocent insane must continue to be roomed together. All that Macon may have a Capitol sitting in its limits.

MACON IS NOT THE CENTER OF THE STATE.

What is the basis of Macon's claim? It is that Macon is the geographical center of the State. You must bear in mind that Macon sought this capital before the fight between Milledgeville and Atlanta, and didn't get strength

enough to prosecute its demands. (1846-1847). Macon is located today just where she was in that contest and just where she was in 1877, when the Capitol was located in Atlanta. So its geographic position is no new element in the situation. Besides, the speed of transportation, the frequency of trains, the automobile, the telegraph and the telephone have deprived this argument of the force it might have had in Oglethorpe's day.

It is not the center of population of the State. There are nearly 250,000 more people in Georgia north of Macon than there are south of it.

There are more than 300,000 more white people in Georgia north of Macon than south of it.

If you move the line further north to Griffin, there are still over 115,000 more white people north of Griffin than south of it.

The center of all population in Georgia is about one mile south of Forsyth, Georgia.

The center of white population in Georgia is only about twelve miles south of Atlanta.

The difference between the average distance from the county sites to Atlanta, as compared with this distance from Macon is too trifling to be taken into consideration.

By the last census there were more than fourteen hundred thousand people north of Macon, and eleven hundred more South of it.

There are 137,242 farms North of Macon, and 87,449 south of it.

The people north of Macon pay $1,903,131 of taxes; while those south of it pay only $1,393,236.

There are 1,904,617 spindles north of Macon, and 129,500 south of it.

There were 112 cotton mills north of Macon in 1910, and 16 south of it.

There were, in 1910, 158,143 registered votes north of Macon to 112,858 south of it.

There are about 65 passenger trains in and out of Atlanta to about 37 in and out of Macon.

There were nearly one hundred thousand more bales of cotton north of Macon than south of it in 1910.

Yet, on the alleged claim that Macon is nearer the center of the State than is Atlanta, this entire fight is based. In no substantial sense is it true. Certainly it is not true in the sense that the Capital at Macon will be nearer the center of the white population in the State.

Atlanta does not boastfully mention these things. Her heart is for all Georgia. Her population is largely made up of families from each county in the State. She helped Rome with all her might when she fought to get the location of the Armour plant. She wants to aid Columbus in every way she can to hold Fort Benning. She was proud of Augusta when she was made the location of a great military cantonment. She rejoiced with Macon when Camp Wheeler was located there, she did all she could to aid her in getting the Federal Land Bank. She wants Americus to have and to keep Souther Field, and to see it develop into a great training station and aerial depot. She rejoiced when Brunswick received substantial recognition at the hands of the Government, and wants to aid her in having the plant there located turned into some commercial endeavor beneficial to herself and the State.

She wants a new Agricultural College located in South Georgia where it will most benefit the State. Her heart, her purse, her power is at the command of any part of the State in its efforts to upbuild itself and to make Georgia greater. She wants Georgia to continue to be the Empire

State of the South, and she believes that Georgia must make united effort to advance during these changing times, and she knows that a divided Georgia will mean that the State will lose its commanding position in the councils of the Nation.

A VOTE ON THIS BILL IS NOT A VOTE MERELY TO SUBMIT IT TO THE PEOPLE.

We are met with the proposition repeated many times, and written thousands of times, that Macon's effort in this behalf is not to remove the Capitol, but to submit the question to the people. Therefore, it is asked that those who oppose the proposition to remove shall, none-the-less, vote for this Constitutional amendment on the ground that it does not commit them to the thing intended to be finally accomplished, to-wit: the removal of the Capitol, but that it only commits them to the proposition that the question is to be submitted to the people. I believe that this argument ought not to be submitted, because it offends common sense. Furthermore, it is a confession that it has not friends enough to carry it.

The Constitution provides that any amendment to the Constitution "may be **proposed** in the Senate or House of Representatives, and, if the same shall be **agreed** to by two-thirds of the members elected to each of the two houses, such proposed amendment or amendments shall be entered on the Journal." It then provides that it be submitted to the people.

I call attention to the fact that the Amendment may be **"proposed"** in either House; and, before it is submitted to the people, it is to be "agreed to". I will call your attention to the bill itself. The bill is called "a **proposal** to amend the Constitution". The first sentence contains these words: "That the following Article is **proposed** as an amendment to the Constitution."

When one makes a proposition to another, it declares the intent of the person making the proposition. It carries with it the recommendation of the person making the proposition. Suppose the Governor should propose to the Senate that it confirm a certain person whom he has nominated. Would the Senate not be justified in supposing that the Governor has decided that this was the right and proper thing to do? But the Constitution requires not only that it shall be **"proposed"**, but it relieves any doubt, and requires that it shall be **"agreed to"** by two-thirds. Can you propose something to another and agree to it, and still then say, "I am opposed to it, and I do not agree to it?"

Suppose, for instance, that a man votes to "propose" this amendment and to **"agree to"** it here on this floor, and goes back to his home and says to the people there, "I now propose to you that you do not accept this bill". The answer is, "You proposed it to us, and you agreed to it". The man who puts himself in that position will find himself first cast aside by the men who led him into it. He will awake to find himself destroyed first in his own conscience, and then with his own people.

The Constitution is a fundamental agreement which can be altered only according to its own terms; it is not a mere mechanism for a referendum. Yet this argument would reduce the Legislator to a mere automaton while in his most important function. Surely there must be weakness indeed in the cause which stands on so slender a foundation.

ATLANTA HAS PROVED HERSELF WORTHY.

In 1880—the nearest census year to the election of 1877—Atlanta had a population of 37,000. This has grown to probably 200,000, multiplying itself nearly six times.

The people who came to her borders, who invested in her lands, who embarked in business within her confines, and

cast their lots with hers, did so with the assurance that she was the **permanent** Capital of the State.

It would be most unfair to say to those people that the City is founded upon an unstable basis; that its investments, which have been made upon the faith that Atlanta was the permanent Capital of Georgia, have been reduced in value by the act of the State itself.

Certainly the State has no reason to take back her talent on the ground that it has been buried, for besides multiplying her population nearly six times, it has become the great Southern headquarters for insurance of all kinds;

For live stock;

For automobiles and accessories;

For the fertilizer trade;

The Southern center for railways, telegraphs, telephones and express;

The central southern point for manufacturers' agents;

It is the medical center for an enormous territory;

It is the headquarters of the Southern Region of the Railroad Administration;

It is the headquarters of the Military Establishment in the South;

It possesses the largest and best equipped cotton warehouse in the Southern States;

It is the financial center of the Southeast, and the home of the Federal Reserve Bank for this District.

When Georgia sought to have the Federal Reserve Bank located in her borders, there was no other place which could compete with Birmingham, New Orleans, Memphis, Knoxville, Chattanooga, and other cities out of the State.

Yet, after being adjudged the center of the financial South; after having brought to the State the great honor of having the Federal Reserve Bank located within her limits, the State itself is asked to declare her unworthy of retaining the Capitol.

The very discussion does her grave injustice; it unsettles and unstabilizes her conditions before the world. The adjudication sought would amount to holding that the Federal Government gave the State that which she did not deserve, when the Federal Reserve Bank was located here.

If this fight succeeds, the next thing will be to take that Bank from the State of Georgia, for, when it leaves Atlanta, it will go to Birmingham or to New Orleans.

The State cannot injure Atlanta without injuring herself.

The State cannot decry Atlanta without injuring herself.

FULTON COUNTY HAS DONE HER PART BY THE STATE.

The fight is aimed at Fulton County, as though she had been a great defaulter in the performance of her public duties. The record does not bear this out. In 1918 Fulton county paid to the State of Georgia $864,850.39, besides her taxes from public service corporations, and from the sale of auto tags; these most likely brought the sum up to an even million dollars or more.

She drew from the Treasury $239,955.29. She paid to the State more than seven hundred and fifty thousand dollars more than she drew from the Treasury.

She does not begrudge this contribution to the State's welfare. She is grateful that she is able to do it. But she does ask that her contribution to the State be not turned to her undoing.

This community deserves the reward which comes from duty well done, and will receive it when the facts are known.

There seems to be no account taken of the fact that the State's greatest property—the Western & Atlantic Railroad —has its terminus here, and that its value is largely dependent upon the growth of this City; and that the City cannot be injured without injury to that Road.

THE FEDERAL TAXES ALREADY MAKE A GREAT BURDEN.

It is no time to incur unnecessary expenses to be paid by the public treasury, which in turn must levy upon the resources of the individual citizens. The United States Government is now levying enormous burdens upon the people, which were wholly unknown to us until the recent war. It must continue to levy this burden for years to come, for we are now in a new era, and our obligations are world-wide.

It is the utmost folly to burden with unnecessary taxes.

BIBB COUNTY CAN MAKE BETTER USE OF HER PROPOSED MILLION DOLLAR DONATION.

If the one million dollars which Macon proposes having Bibb County contribute to this Capitol removal were made a fund to be invested in new enterprises and enlarging old ones, on the basis of the public's taking twenty per cent of the stock subscriptions, and interested parties subscribing the other eighty per cent, this would increase Macon's manufacturing capital five million dollars, and would give employment to 5,000 more of skilled laborers, with estimated families of five each. This would increase the population of Macon 25,000, with an annual pay-roll of $1,000,000.00, and every dollar of the original one million would be well and securely invested at from six to eight per cent.

In undertaking to remove this Capitol, Macon is not using her own resources to the best purpose, and is injuring the resources of the State.

OUR SUFFRAGE LAWS, AND A DIVIDED PEOPLE.

The people of the State have, by Constitutional Amendment, undertaken to protect themselves against the registration of undesirable voters. The power of the State in this respect is limited by the 15th Amendment to the Constitution of the United States. The State has gone as far as it can in this behalf. The greatest wrong of Reconstruction times was the placing of the ballot in the hands of the freedman. For fifty years this has hung like a pall over this State. If you call this election you undo the work of these years.

An election on this Capitol question will first bring about crimination and recrimination that one side or the other is packing the registration lists with these undesirables. Then the lists will fill up with the undesirables, whether or not either side seeks them. And once they are on the list, they are there for all time. They will then become the deciding factor in all our elections, and the policy of the State will be shaped to meet the demands of its lowest citizens, and its laws will no longer reflect the average intelligence of the State.

Thus, what was provided against in 1907 will be undone in this proposed unnecessary election; and we will have brought on the State the evils against which we then sought protection.

That the people will be divided in ill will and bad feeling if this election is held, needs no proof further than the reading of the current Macon papers. There Atlanta is written of as an outcast; it is spoken of as though it were some far-off place, full of enemies of the State; our businesses are threatened, as though in driving them out of Atlanta, they would yet stay in the State.

There would be no election for State House offices in which this issue did not become the deciding factor. The question would no longer be, "Is the candidate fit to be Governor, or Judge, or Commissioner", etc., but, "Is he for or against the removal of the Capitol?"

This would reach down to the County officers in the doubtful counties. It would rend the State into divided camps in this critical period of vital changes.

This artificial and unnecessary issue would thwart the ambitions of many men who otherwise would succeed. Certainly these results should be avoided by putting this question aside.

THE PROPOSED ACT IS A NULLITY; IT DOES NOT SUBMIT TO THE PEOPLE OF GEORGIA THE QUESTION OF REMOVING THE CAPITOL; IF ADOPTED IT WILL BE INEFFECTIVE.

This is not a bill to submit to the people of Georgia the question of the removal of the Capitol, my adversaries to the contrary notwithstanding.

If this Legislature should agree to this proposed amendment, it would not be such a proposal as the law contemplates.

If the people voted for this proposed amendment, it would not accomplish the removal of the Capitol; something else must be done;

The City of Macon must convey to the State Tattnall Square, "or other property in said City of Macon equally suitable for locating or building a Capitol", and then,

The County of Bibb must vote and deliver to the State One Million Dollars in bonds or money.

Suppose the people of Bibb County refused to vote the bonds;

Suppose the City of Macon refused to convey the land.

The result would be that the Capitol would not be removed.

That necessarily leaves the question of the removal of the Capitol to less than all the registered voters of the State, for it is in fact left only to the voters of Bibb County; or, narrower yet, to the City Council of Macon; or still narrower, to the Mayor of Macon, who may veto the Ordinance of the City Council.

The questions involved cannot be submitted to nor decided by so small a part of the State's electorate. It must be submitted to all the registered voters of the State. There is no power in the Legislature to make a conditional submission of this proposed amendment.

The Legislature can submit to the people only that which, when ratified by a majority of the qualified electors voting thereon, "shall become a part of this Constitution".

If this question is submitted to the people and ratified, the Capitol would not, by that act, be removed. The very submission is on condition that certain other things be done, and those things are to be done by persons other than the qualified electors. It is unthinkable that a Constitutional amendment can be left, in its final analysis, to some power other than the whole electorate.

I have pointed out to you that the failure of Bibb County to vote the bonds or raise the money, would defeat the proposed amendment, and that the failure of Macon to convey Tattnall Square "or other property in said City of Macon equally suitable", would likewise defeat the removal of the Capitol. This act of the City of Macon depends on the following things:

(A) The vote of the governing power of Macon;

(B) The vetoing or withholding of veto by the Mayor;

(C) A determination by some unnamed power as to whether the alternate property "is equally suitable" for a Capitol building.

Should Bibb County refuse to vote its bonds or raise the money; or should the governing body of Macon refuse to convey the land; or should the Mayor veto the Ordinance, the proposed amendment, even after it had been voted upon and ratified by the people, will fail. Should the City of Macon decide to give any other property than Tattnall Square, some unnamed Commission is to pass upon whether it is equally suitable. So there are four conditions, any one of which might defeat this proposed amendment, even after it had been ratified. In other words, the people are not the final residuum of the power over this amendment. If this proposed amendment is adopted it would not become a part of the Constitution.

On the plain principles of law, this cannot be done, for in its last analysis, the entire matter is left to powers over which the electorate, as a whole, has no authority.

I assert to you that this Legislature has no power to submit such a conditional proposition to the people. The Constitution has provided another method for its amendment.

This question is not novel. It has been passed upon in a case exactly similar. I refer to Livermore vs. Waite, 12 L. R. A., 312, from the Supreme Court of California.

In that case Sacramento was declared by the Constitution of California to be the seat of Government of that State, to "so remain until changed by law; but no law changing said seat of government shall be binding unless approved and ratified by a majority of the qualified electors of the State voting therefor at a general state election, under

such regulations and provisions as the Legislature, by two-thirds vote of each House, may provide, submitting the question of change to the people."

Two-thirds of each House of the Legislature of California voted for the following amendment:

> "The City of San Jose is hereby declared to be the seat of government of this State, and shall so remain until changed by law; but no law changing the seat of government shall be valid or binding unless the same be approved and ratified by a majority of the qualified electors of the state voting therefor at a general state election, under such regulations and provisions as the legislature, by a two-thirds vote of each house, may provide, submitting the question of change to the people; provided, that the state shall receive a donation of a site of not less than ten acres and one million dollars before such removal shall be had. The governor, the secretary of state, and the attorney-general are hereby authorized to approve said site, and upon the approval thereof, and the payment of one million dollars into the state treasury, the legislature shall provide for the erection of the necessary building and the removal of the seat of government."

You will note that this submission was conditional upon the donation of not less than ten acres of land, and one million dollars. And the land so provided was to be approved by a Commission.

The proposal there was very much less conditional than is the proposal here.

The Constitution of California provided, in practically the same words as ours, that, if the proposed amendment be ratified by the people, it "shall become a part of the Constitution". The Court held that the proposed amendment would not become operative upon its approval by the people, because other conditions were to be performed before it did become operative and that "The Legislature was not authoribed by the framers of the Constitution, nor do

the terms of that instrument permit it, to propose any amendment that will not, upon its adoption by the people, become an effective part of the Constitution; nor is it authorized to propose an amendment which, if ratified, will take effect only at the will of other persons, or upon the approval of such persons of some specified act or condition."

It, therefore, held this submission to be void; so is this bill void.

When is Bibb County or Macon to do the things required to be done? If they are not done January 1, 1925, are they to do them at a subsequent date? If so, when? And, in the meantime, where is the Capitol. Suppose there was no sale for the Capitol building in Atlanta, or the Governor's Mansion; would the Capitol be removed, under this bill, notwithstanding the failure to make these sales? Suppose the Governor's Mansion and the Capitol building could not be sold for enough money to build a new Capitol and Mansion in Macon, even with Bibb County's proposed million dollars; is the Capitol to be removed or not removed under this bill?

I submit to you that the whole proceeding before you is absolutely null and void, and,if you do what Macon is asking you to do, you would have spoken beyond your jurisdiction.

These serious matters, vitally concerning the State's welfare, deserve more consideration than is exhibited by this bill. The matter is too serious to demand simply the passing, idle thought of the men who deal with it.

There are hundreds of vital needs of this State which are being shunted to one side, while some people make this issue in the thoughtless way in which it is here presented.

It is time for this agitation to end, and for this State to become united.

Atlanta wants no North Georgia; she wants no Middle Georgia; she wants no South Georgia; she wants a united

Georgia; she wants a Georgia which is, in truth, the Empire State of the South.

Years ago it fell to the lot of Henry Grady to love this country back into union. How magnificent it is that the lot of loving this State back into union falls to Atlanta's Chairman—Grady's beloved son-in-law, Eugene R. Black.

Respectfully submitted,

ROBERT C. ALSTON.

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